

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 12 2007

at 8 o'clock and 15 min. M
SUE BEITIA, CLERKU.S.A. vs. WILLIAM A. KALANI Docket No. CR 03-00208SOM-01**AMENDED REQUEST FOR COURSE OF ACTION
(Statement of Alleged Violations of Supervised Release)**

COMES NOW FRANK M. CONDELLO, II, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of WILLIAM A. KALANI, who was placed on supervision by the Honorable Susan Oki Mollway, sitting in the Court at Honolulu, Hawaii, on the 9th day of August 2004, who fixed the period of supervision at three (3) years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
2. That the defendant provide the Probation Office access to any requested financial information.
3. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

On 11/13/2006, the Court modified the general condition to conform with the Ninth Circuit ruling in U.S. vs. Stephens and also updated the special condition regarding substance abuse treatment to include updated language:

General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event, the maximum shall increase to up to one valid drug test per day (mandatory condition).

Special Condition No. 1: That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Alleged Violation(s) of Supervised Release

That the petition for Request for Course of Action dated 12/19/2006 and filed on 12/21/2006 include the following additional violation:

2. The subject failed to notify the Probation Officer within seventy-two hours of being arrested on 12/13/2006, in violation of Standard Condition No. 11.

Based on the above, the U.S. Probation Officer recommends that the Request for Course of Action dated 12/19/2006 and filed on 12/21/2006 be amended to include the additional violation.

PRAYING THAT THE COURT WILL ORDER ONE OF THE FOLLOWING COURSES OF ACTION:

☒ That the Request for Course of Action dated 12/19/2006 and filed on 12/21/2006 be amended to include the additional violation and that the subject be brought before the Court to show cause why supervision should not be revoked.

☐ Other

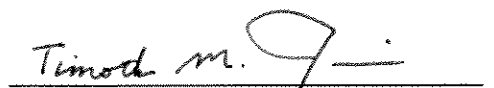
I declare under penalty of perjury that the foregoing is true and correct

Executed on 1/10/2007



FRANK M. CONDELLO, II
U.S. Probation Officer

Approved by:

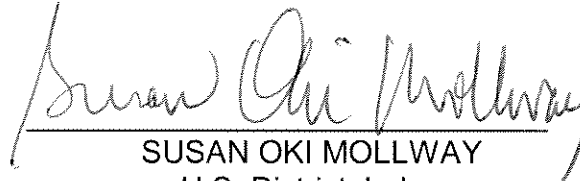


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

ORDER OF COURT

THE COURT ORDERS that the Request for Course of Action dated 12/19/2006 and filed on 12/21/2006 be amended to include the additional violation and that the subject be brought before the Court to show cause why supervision should not be revoked.

Considered and ordered this 10th day of January, 2007, and ordered filed and made a part of the records in the above case.



SUSAN OKI MOLLWAY
U.S. District Judge

Re: **KALANI, William A.**
Criminal No. CR 03-00208SOM-01
REVOCATION OF SUPERVISED RELEASE

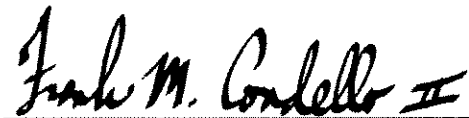
STATEMENT OF FACTS

Violation No. 2 - Failing to Notify the Probation Officer Within Seventy-two Hours of Being Arrested on 12/13/2006: On 12/15/2006, our office was notified by the Honolulu Police Department (HPD) that the subject had been arrested for Robbery in the Second Degree on 12/13/2006. At that time, our office was also informed that the subject was being held on \$35,000 bail.

On 1/3/2007, our office was notified by the U.S. Marshals Service that the subject had been arrested on the federal warrant issued on 12/29/2006. It was established that the subject had bailed himself out on 12/15/2006, after our office had spoken to the Honolulu Police Department. Standard Condition No. 11 requires that the subject notify the Probation Officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer. From the time of his release from State custody on 12/15/2006 to his arrest on the federal warrant on 12/29/2006, the subject failed to contact or report to our office in any way to notify us of his arrest on 12/13/2006.


In light of the aforementioned, it is respectfully recommended that the additional violation be added to the Petition dated 12/19/2006 and filed on 12/21/2006.

Respectfully submitted by,



FRANK M. CONDELLO, II
U.S. Probation Officer

Approved by:


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

FMC/dck

Re: **KALANI, William A.**
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**NOTICE OF ADDITIONAL CONDITION(S) OF SUPERVISION THAT MAY WARRANT
CONSIDERATION**

None.